

**National Organic Standards Board (NOSB)**  
**Minutes of Joint Executive Committee**  
**January 10, 2006, 11 am – 12:30 pm**

**Attendees:** NOSB: Goldie Caughlan (outgoing Secretary), Jim Riddle (Outgoing Chair), Gerald Davis (Incoming Crops Committee Chair), Rigo Delgado (Incoming Policy Development Committee Chair), Julie Weisman (Incoming Handling Committee Chair), Andrea Caroe (Incoming Compliance, Accreditation, and Certification Committee Chair), Mike Lacy (Incoming Livestock Committee Chair), Kevin O'Rell (Incoming Chair), Joe Smillie (Incoming Member), Dave Carter (Outgoing Policy Development Chair – was he on, I thought he was??) and Katrina Heinz (Incoming Member)

Absent: Bea James (Incoming Secretary), Nancy Ostiguy (Incoming Materials Chair), George Seimon (Outgoing Livestock Chair), Rosie Koenig (Outgoing Materials Chair), missing anyone else?

Staff: Mark Bradley, Arthur Neal, and Katherine Benham, Barbara Robinson (AMS), and Valerie Frances sitting in

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KO, as the Chair, called the meeting together at 11:15 a.m EST  
ML moved, and JW seconded, that the agenda (appended below) be approved. Passed unanimously.

**October minutes**, as recorded and distributed previously by DC, were approved by unanimous consent (no vote taken).

KO: especially welcomed Valerie Frances as Executive Director, and looks forward to working with her. She will be attending all committee and EC calls. Her first official call, although she is sitting in today, will be January 23.

KO: intended to send out combined work plans – but did not yet receive Gerald's crop plan (note: Gerald says it was sent to KO today). NO is traveling and may not make call, and don't have work plan for materials therefore. Only missing one then. Will combine and resubmit to full board.

Committee Assignments: For new board members, have spoken to all of them, assigned to committees. Will send out email this week with all final committee assignments so all know who is serving on which committee. Kevin Eng and Jeff M are on crops; Daniel and Katrina on Materials; and as for PD, no new members yet. Handling, that would be Joe Smillie and Katrina and on compliance, Joe S and Jennifer Hall. For Livestock, lots of interest there, so Kevin E, Jennifer, Daniel and Jeff Moyer to add to committee. Need to confirm with Nancy if she wants to serve on three committees or pull back to two (i.e., leave livestock?) since she is chairing materials. Dan and Kevin will get permission to participate in next committee call with Mike this week. Same for handling committee, and the chair is Julie.

When finalized, it will be emailed with all committee assignments to AN. Additionally, KO would like to have Executive Committee calls and Committee notifications sent out now to FULL board, from now on (although will have committee members of course noted).

RD: Who on PD? KO: It's Andrea, KO, and Bea James. Needs another member (but quality is important; although quantity helps get the work load done). Any volunteers?? Mike Lacey volunteered. (Cheers ensued!)

KO continuing. Like to set up regular committee calls. When? Discussion: Tentatively second Thursday of each month will be EC calls at 11 Eastern. Agreed. Redecided later via emails to be second Friday of each month at 12 noon est.

**NOP update:**

Mark: April meeting, fairly firm dates in mind. KB has arranged for State College PA, 18<sup>th</sup>, 19<sup>th</sup> and 20, for Board, and on Friday, Accredited Certifier Training. Members will be welcome but not required. 18<sup>th</sup> is orientation in a.m., pasture symposium in p.m., Driving distance from D.C., good location. April 17<sup>th</sup> is travel time. And will cover travel and housing for old board members. Location: Ramada in State College.

KO: our goal is sunset review! Hopefully to finalize. Need NOP input now on that for sunset

AN: Yes, sunset work begins this month, as soon as we get crops and processing final rules into OGC, which we plan to get out this week. Proposed rule being written for the August materials that the board voted on, but we have had to go to EPA for info on chitosan, because the petitioner petitioned as active ingredient, and is approved for that, but as we began writing up proposed rule it was then it dawned: active use is not what the petitioner petitioned for. He petitioned as inert, and is on EPA list 4. But will list in the proposed rule. Chitosan and Sucrose Octonate esters.

OGC has had livestock docket since November and still reviewing (medication) and also the FDA consultation has lots of question but is out of NOP hands. No timeline. Hope for end of January but depends on OGC review, whether they take longer reviewing it.

**Sunset:** as soon as all documents are off AN's desk, he intends to write proposed rule for sunset starting now, taking last meeting's decisions, so when make decisions at next meeting can plug in, so not as much lag time. So proposed sunset should come out maybe May or June for proposed rule on sunset – provided no controversial issues arise.

KO: if controversial material is deferred in April, for instance, would you hold up the whole rule, Arthur?

AN: no, it would just run risk of not meeting October date.

KO: right, so April meeting is to get these materials if we want to see them in the proposed regulation, so we need to conclude at April meeting.

AN; need to wrap up entire process before October 2007 so we have a cushion in times of reviewing if OGC takes extra time, for instance, or if we have to do re-proposed rules. We absolutely need a cushion or we risk having October 2007 upon us with no completed rule-making -- and that would therefore invalidate the entire materials list!

**Pasture:**

KO: what about pasture, AN? will it be an announced proposed rule?

MB: Actually, pasture and ANPR were dropped, but Keith Jones is now working on it. BR has not seen it nor have I in much detail. As soon as it is ready we'll run it by OGC, and possibly by end of January be able to post it. We'll try to coordinate it with comment period -- we know we want it in before the pasture symposium in April.

KO: MB or AN, are there any questions on pasture ANPR? Or ML?

ML: who should I communicate to about that, would it be MB?

MB: yes, I am the lead.

MB Also, I am doing a training at the Eco-Farm speaking there on January 26th. Bob Pooler and Mark are both traveling to Eco-Farm for NOP.

**Harvey Rule proposed change and whole herd conversion for proposed rule:**

MB: must be before June 4, as final rule, so looking to complete this month as proposed change.

KO: what will be the process on that? Anything Livestock do?

MB: having to report, because of the rule change, that will be published, then we go out with the final proposed rule.

AN: we have to try to rush it. No timeframe because of Harvey, just fast and expeditious.

BR: must report to congress in February says Demeris (Fe b 10)

KO: ML, there was a recommendation from Livestock about two years ago, but I can't find it now. It talked about whole herd conversion based upon origin of livestock, but following Harvey, that recommendation is I guess no longer appropriate.

ML: yes, it is now null and void.

KO: so, your committee should consider whole herd conversion, in line with the new proposed rule, and see how committee feels about it.

**Ideas for utilizing committees for input in spirit of collaboration:**

MB: we, that is, VF, myself and AN, (talking together with KO) have talked about identifying certain limitations as to what can be discussed with NOSB. But, as for seeking advice, to help with procedural documentation within NOP, there is a need to save board working time for issues critical to program management and materials. There are numerous things starting to be posted up on NOP site, some under certifier section, the policies, the procedures and notices for certifying agents. Some of those, like certification committee procedures, qualifications, audit protocols, we still like to have some advice on and under FACA we can, in the context of committee calls or conversations, and can inquire whether committee members for example may see problems with the program's directions. FACA will allow NOP to work with individual committees without posting, and not intending to be a backroom approach, but just common sense daily work. If there is anything in particular that is useful it is available to NOSB as a resource. The kinds of things would be: let's say, we have a draft regarding

document control. We would like to put the board on some kind of notice that we are going to post these things. We would like to get board input. Things are always subject to comment, and go through reviews every year.

KO: in spirit of collaboration, we will find out before posting and it won't be a surprise to the board.

AC: we have it on the workplan, representing the certifiers, getting more input.

MB: That's exactly on point. We might propose a protocol, say reinstatement procedures, and if we'd had this mechanism in place, we could have taken it to the committee (CAC) and asked whether the proposed protocol is likely to be functionally a problem for certifiers for example.

AC: we welcome that. All for it.

KO: great step forward.

MB: we have board management draft protocol, explaining how to work with the board, but we haven't published it. We've worked with it for some time, wanted to get this sort of thing written in, will circulate by e-mail.

VF: how much was it dealt with in the Policy manual?

MB: not, this is for publishing on the internet (posting). I (MB), VF and our staff could draft proposed procedures that we want to get in front of the full board, but collaborate through committees, post ahead for public comments for transparency, and can move it through without the board having to be in the dark.

KO: if handling committee agrees, maybe the ag vs. non-ag issue could be a means of working that through. To see where we were in August, in light of public comments, try to come up with draft recommendation for committee to review.

JW: makes sense, but how would it dovetail with, for instance, we have handling call tomorrow, where that would have been one of the agenda items.

KO: no time tomorrow probably, sunset more important for your committee now.

### **Synthetic v. non-syn recommendation:**

KO: since NO is not on call, defer?

AN: Hope to have something by early February re Syn v. Non syn.

ML: has to leave call in 10 min, requests to move Livestock up

### **Livestock:**

ML: For sunset review, we should be able to conclude the deferred materials on Friday. Good discussion on milk replacers. Tap on oxytocin was excellent. We had deferred chlorine collectively. Where are we AN?

AN: should receive tap within 1 weeks or so.

ML: so, we should have all stuff cleaned up by Friday other than waiting for tap on chlorine then. On the pasture forum, ML will get with MK (who is this?) and see what he needs from livestock on that then later this week.

ML: do you want input from the EC re what symposium should look like?

KO: I suggest the LC work with the program, get it on paper, then submit to full board, to support activities for full program.

ML: time line is short between now and April.

KO: suggest e mail to ML and copy to MB. Also, NO would be good resource. Demeris says BR has talked to NO already.

ML: I have drafted brief statement on Avian Influenza, hysteria is less, but will have recommendation in April for Board to do everything possible to prevent pandemic.

AC: when will it be ready to look at?

ML: Hopefully soon after our call this Friday we'll release it for rest of board to look at.

### **Policy Development Committee:**

RD: the 101 guide for new members, we are readying it for review by the full EC in early February, and ready for rest of board by end of February. Second, the criteria for commercial availability is moving along. We had a very productive conference call two weeks ago, working with Julie, exchanging emails, hopefully ready by the end of next week, ready for both committees by the joint call, the conference joint call, on the 23<sup>rd</sup>. Hopefully be able to get something for review by the end of February.

JW: procedurally, once we propose, it goes to the full board, an ANPR thing, public comment and review -- or just what is the process?

KO: vote on it at the committee level, hopefully then be voted on by full board in April, which means the committee's draft would need to be completed, and posted 30 days prior to the April meeting, so that means by March 17 it needs to be posted in order to be eligible for April meeting as an action item.

**Materials Committee:** NO is chair, and not on the call. There has been no vice chair appointed yet. So no report from Materials today.

### **Handling Committee:**

JW: We haven't met as a committee since last board meeting, but as two joint calls with Policy Development committee. Do have separate handling call tomorrow at 11 eastern, re sunset, have reviewed deferred materials, colors, flavors both of which had tap review but not same kind of detail as if individual materials, but will refer to tomorrow. 605a, on 605 b we have bleached lecithin which was deferred, chlorine, and lecithin unbleached that is on 606, and public comment to conclude that came from last board meeting. Then, as mentioned earlier in the call, once we have that squared away, next big thing is ag v non ag. Also syn v non syn, and we discussed a bit about waiting for work NOP requested re conjunction with materials. And continuing to participate in pet food task force meetings. JW also noted she does not feel in the loop at all.

KO: I'll forward host of emails re pet food task force meetings to you to catch you up JW. And JR, you will remain in advisory role on the pet food task force, in some way, yes?

JR: I have offered to do that, but the calls are limited to NOSB and task force, so it will take some formal approval from NOP or MB or whatever. I also have questions about limbo land for outgoing members.

AN: normally, after a term expires, participation in calls expires.

KO: Yes, but with Keith Jones leaving, and for continuity, on the task forces, I do want to make sure JR will continue on as advisory.

JW (continues). Regarding: commercial availability joint work with PDC, we will reach out to new committee members. And regarding appointment of vice chair, can do it tomorrow or whenever. Regarding: Review food contact substances, it is not on my radar.

KO: the priority is sunset for now, that's true. It will dovetail into 606 and other recommendations coming forward.

JW: I'd like to ask NOP: Are there more petitions being received? Is industry still sending in?

AN: no added 606 petitions. Did have an interesting one, for salt. Question to board: will need ask OGC. Conversation in industry that certain salts have to be on list if something used in processing the salt. Even though excluded in organic ingredient consideration, is a natural, but the question has come: does it need to appear on 206.605? We have not asked OGC yet.

AC: well then, what about water as well? It raises the question for instance about fluoride in the water. .

### **Crops Committee:**

GD: there are questions concerning transition of the committee members, as far as having a voting quorum. There are only three of us on committee right now. And one of them is Rose Koenig, who is exiting. So I'm not sure as to how to proceed now.

KO: if the committee meets before January 24 it is majority of current committee, so you, RK, JR, NO and RD. After January 24, it changes. NO is not included on the list that Katherine has. I have not been able to talk to her whether she is staying on.

GD: then I will try to get it acted on before the 24th, to get the maximum help from outgoing members.

KO: then inform the new members assigned to the committee (per Katherine's list) ASAP, so they could hopefully participate by being on the call, although not to vote on any action items.

GD: Continuing then, as to the crop committee work plan, which first of all is to consider materials deferred. We need to identify where we are going on accumulating the info for deciding how to settle these questions from public comment. I had questions about tap requests about other mechanisms. I will communicate with Arthur about that. I also have personally requested input from concerned parties about some of the deferred materials, about alternate supplies, whether they are appropriate. As to new petitions, nothing; organic seed, need to talk with staff re that recommendation, and need to get back to it, to see if the recommendation is flawed.

AN: we had discussed, (based on commercial availability seed) what looks like with commercial availability recommendation for processed. It should not be too different. Similar hurdles. Before we endorse one, they should look close to the same.

GD: hydroponics also, whether clarification from NOP. Check with NOP to see what compliance they have in rule, or any clarification needed from NOSB. And last, to wrap up temporary research variance and finalize it. .

KO: what about compost?

GD: Oh, yes, it needs to be added to the workplan. Thanks, Kevin, I had forgotten that. .

AC: re hydroponics and certifiers, GD, CAC could be of help with working with certifiers and their procedures for verifying hydroponic operations. After you get new members on the board, we could definitely help with that.

**CAC Committee:**

AC: The CAC is now operating largely as an ad hoc committee. The work plan includes two items that require the committee attention on an "as needed" basis, assisting the NOP with a review of ANSI response items and reviewing certifier training documents. We will expand this to include practical review of policy issues for certifiers issued by the NOP as previously suggested by MB.

There is only one standing recommendation in draft in committee. This is the recommendation for procedures for peer review for the program. ML is the lead on this project. The project was tabled by the committee due to the need for board attention focus on sunset. As soon as the sunset materials are completed, the committee will revisit this item for attention.

KO: any other business.

JR: I have an announcement. I have been offered and have accepted a position with the University of Minnesota, as coordinator of organic outreach, starting next week.

KO: Do we have a motion to adjourn?

AC moved, JW seconded, and meeting unanimously adjourned at 12:30 ET

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Below, the Chair's proposed agenda for EC call. January 10, 2006

1. Call to Order - Kevin
2. Approve agenda - all
3. Secretary's report - all minutes up to date - Bea
4. Chair's report - Kevin
  - a. Exec Dir (Valerie Frances)
  - b. Committee work plans
  - c. Committee assignments
  - d. Set EC monthly call schedule
5. NOP update - Barbara , Mark , Arthur,
  - a. April meeting (orientation, pasture forum, sunset, other)
  - b. Livestock Materials Proposed Rule - status
  - c. Pasture ANPR
  - d. Harvey Rule proposed change - whole herd conversion
  - e. Crops-Processing Final Rule status
  - f. Collaboration - using committees for input on NOP procedural issues
  - g. Sunset Timeline
  - h. Syn/non-syn NOSB recommendation - status

6. Policy Development Committee report - Rigo
  - a. NOSB 101 guide (Bea & Rigo)
  - b. 606 criteria (commercial availability) and procedures - w/ HC
7. Materials Committee - Nancy
  - a. Sunset review plan - deferred materials list
  - b. New petitioned materials
8. Livestock Committee - Michael
  - a. Sunset review
  - b. Issues for April Pasture Forum
9. Handling Committee - Julie
  - a. Sunset Review
  - b. Ag/non-ag rec'd revisions (collaboration document with NOP)
10. Crops Committee - Gerald
  - a. Sunset review
  - b. Compost rec'd revisions
11. Certification, Accreditation, and Compliance Committee - Andrea
12. Other business - all
13. Adjourn - all